

**REMARKS**

Claims 1-26 are pending in the present application.

**I. FORMAL MATTERS**

Applicant notes with appreciation the Examiner's indication that claims 22-25 are allowable, and that claims 6 and 26 would be allowable if rewritten in independent form.

Applicant notes with appreciation the Examiner's indication that the drawings filed on May 22, 2001 are acceptable.

Applicant notes with appreciation the Examiner's acknowledgement of the claim to priority and indication that the certified copies of the priority documents have been received.

**II. PRIOR ART REJECTIONS**

**A. CLAIMS 1, 7, AND 13**

Claims 1, 7 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2001/0044840 A1 (Carleton) in view of U.S. Patent No. 6,225,999 (Jain). This rejection is traversed.

This rejection is similar to the rejection of claims 1, 7, and 13 under 35 U.S.C. § 103(a) over the Carleton reference in view of U.S. Patent No. 6,434,514 (Chen) presented in the previous Office Action dated January 2, 2004. The Examiner now combines Carleton with Jain, relying on Jain for the alleged teaching of the claimed setting unit and module, comparing unit and module, and a display for displaying the information of the network based on a result of the comparison by the comparing unit

and module. Previously, the Examiner relied on Chen for the teaching of these claim elements.

The Examiner asserts that it would have been obvious to include the teachings of Jain in the system of Carleton in order to provide a network monitoring system that can receive requests from the user and provide customized analytical reports of the network based on the user request.

Carleton is directed to a method of monitoring and surveillance of a computer network according to a set of business rules. The method of Carleton applies business rules to the network monitoring so that designated users are notified according to user-defined escalation levels when a device violates a business rule. For example, if a network operator does not respond within a given time after being notified by an e-mail alert, the alert is escalated to a higher level of urgency, such as notification by phone or pager (see Figs. 16-18). The escalation of the alert levels makes it possible to give a problem an increasing level of attention.

In the amendment filed on April 1, 2004, Applicant argued that neither Carleton nor Chen teaches or suggests to display information based on a comparison of received network information with a display condition, as set forth in independent claims 1, 7 and 13. Applicant also argued that neither Carleton nor Chen teaches or suggests a network monitoring apparatus that allows a user to set display information defining the information to be displayed and to monitor an amount of information flowing along an interconnecting device of a network. Because the rejection based on Carleton and Chen was withdrawn, apparently, the Examiner agreed with Applicant's reasoning.

Applicant submits that the new Jain reference fails to make up for these deficiencies of Carleton and Chen. Jain is directed to a graphical user interface for network management that allows the network manager to select certain network components to be displayed and not display unnecessary data. For example, as shown in Fig. 1, the manager can choose to display only the routers associated with

wide area network 20. In this case, the manager may display only routers R2, R5, R6 and R7, as shown in Fig. 4. Applicant submits that Jain does not teach or suggest to display information at least in real time based on a comparison of an amount of received network information with a display condition, as set forth in independent claims 1, 7 and 13. Rather, the apparatus of Jain merely allows the user to select certain network components to be displayed.

Therefore, Applicant submits that the combination of Carleton and Jain does not form the invention defined by independent claims 1, 7, and 13. Thus, the rejection of these claims under 35 U.S.C. § 103(a) is improper.

#### B. CLAIMS 2-5, 8-12 AND 14-21

Claims 2-5, 8-12 and 14-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carleton in view of Jain as applied to claim 1, 7 and 13, and further in view of U.S. Patent No. 5,974,237 (Shurmer). This rejection is traversed.

Applicant submits that Shurmer fails to make up for the above-noted deficiencies of Carleton and Jain. Therefore, since the combination of Carleton, Jain and Shurmer fails to form the invention defined by claims 2-5, 8-12 and 14-21, Applicant submits that the rejection of claims 2-5, 8-12 and 14-21 under 35 U.S.C. § 103(a) is improper.

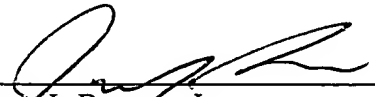
For the reasons presented above, Applicant respectfully submits that the present application is in condition for allowance and respectfully solicits the allowance of the present application. If the Examiner believes that prosecution of the present invention would be expedited by a telephone interview, Applicant respectfully requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed

for any excess fee paid, you are hereby authorized and requested to charge Deposit  
Account No. **04-1105**.

Respectfully submitted,

Date: September 7, 2004

  
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